

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ariel Courage	Team: Squad #6	CCRB Case #: 201412620	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 12/19/2014 8:15 PM	Location of Incident: Grimbsy Avenue and Midland Avenue	Precinct: 122	18 Mo. SOL 6/19/2016	EO SOL 6/19/2016	
Date/Time CV Reported Mon, 12/22/2014 12:47 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/22/2014 12:47 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Nikolaos Stefopoulos	936	944294	NARCBSI
2. DT3 Michael Friedman	06423	920305	NARCBSI
3. DT3 Arthur Truscelli	00691	931348	NARCBSI
4. DTS Nicholas Velez	00450	933451	NARCBSI

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Dominick Capuano	00000	917377	NARCBSI
2. DT3 David Luppino	04762	906674	NARCBSI
3. DT3 John Brooks	6877	915057	NARCBSI

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Nikolaos Stefopoulos	Abuse: Det. Nikolaos Stefopoulos stopped § 87(2)(b) and § 87(2)(b)	
B.DT3 Nikolaos Stefopoulos	Abuse: Det. Nikolaos Stefopoulos frisked § 87(2)(b)	
C.DT3 Nikolaos Stefopoulos	Abuse: Det. Nikolaos Stefopoulos searched § 87(2)(b)	
D.DT3 Michael Friedman	Abuse: Det. Michael Friedman searched § 87(2)(b)	
E.DT3 Nikolaos Stefopoulos	Abuse: Det. Nikolaos Stefopoulos searched the vehicle in which § 87(2)(b) was an occupant.	
F.DT3 Nikolaos Stefopoulos	Abuse: Det. Nikolaos Stefopoulos threatened to notify Administration for Children's Services.	
G.DT3 Nikolaos Stefopoulos	Abuse: Det. Nikolaos Stefopoulos threatened to seize § 87(2)(b)'s property.	
H.DT3 Michael Friedman	Discourtesy: Det. Michael Friedman spoke discourteously to § 87(2)(b)	
I.DT3 Arthur Truscelli	Abuse: Det. Arthur Truscelli threatened § 87(2)(b) with the use of force.	
J.DTS Nicholas Velez	Discourtesy: Det. Nicholas Velez spoke discourteously to § 87(2)(b)	

Case Summary

On December 22, 2014, § 87(2)(b) called the CCRB and filed this complaint. On February 26, 2015, the complaint was closed as uncooperative, as § 87(2)(b) declined to provide an in-person statement until after the criminal case against him was resolved (BR 01). On August 26, 2015, § 87(2)(b) requested that this case be reopened (BR 02).

On December 19, 2014, § 87(2)(b) was driving in the vicinity of Grimsby Avenue and Midland Avenue in Staten Island at 8:15 p.m. with his § 87(2)(b)-old daughter, § 87(2)(b) and his friend, § 87(2)(b) pulled over on Grimsby Street between Midland Avenue and Bedford Avenue. § 87(2)(b) and § 87(2)(b) both exited the vehicle. As they did so, two plainclothes police officers, identified by the investigation as Det. Nikolaos Stefopoulos and Det. Michael Friedman of Staten Island Narcotics, approached them based upon Det. Stefopoulos' observation (**Allegation A**).

Det. Stefopoulos frisked and searched § 87(2)(b) (**Allegations B and C**). Det. Friedman searched § 87(2)(b) (**Allegation D**). Det. Stefopoulos searched § 87(2)(b)'s vehicle (**Allegation E**). The other members of the Narcotics field team arrived: Lt. Dominick Capuano, Det. Arthur Truscelli, Det. Nicholas Velez, in the leader car; and Det. David Luppino and Det. John Brooks in the prisoner van.

Det. Stefopoulos told § 87(2)(b) to contact a relative to care for § 87(2)(b) otherwise she would be placed in foster care (**Allegation F**). Det. Stefopoulos told § 87(2)(b) that if any narcotics were found on § 87(2)(b)'s person, his vehicle would be seized (**Allegation G**). Det. Friedman told § 87(2)(b) that he was a "degenerate" for having his daughter with him (**Allegation H**). § 87(2)(b) overheard Det. Truscelli say that he wanted to "kick § 87(2)(b) in the balls for having his daughter with him," (**Allegation I**) and Det. Velez told § 87(2)(b) that he was a "crackhead" (**Allegation J**).

§ 87(2)(b) was arrested and § 87(2)(b), § 87(2)(a) 160.50
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b) (BR 04).

No video footage of this incident was located.

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation due to the arrests.
- On November 18, 2015, a Notice of Claim was submitted which will be added to the case file upon receipt (BR 05).

- § 87(2)(b), § 87(2)(a) 160.50
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- § 87(2)(b), § 87(2)(a) 160.50
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b) has not filed any prior CCRB complaints (BR 08).
- § 87(2)(b) has filed the following prior CCRB complaints (BR 09):

- § 87(2)(b) [REDACTED]
- [REDACTED]
- Det. Stefopoulos has been a member of the service for 8 years. There are 19 prior allegations against Det. Stefopoulos from cases that occurred between 2008 and the present, as well as three pending allegations from a complaint that remains open (case 201506511). The following allegations against Det. Stefopoulos have been substantiated:
 - In CCRB case 201409178, allegations of physical force and discourtesy were substantiated. The Board recommended charges and the NYPD penalty is pending.
 - In CCRB case 201411079, allegations of a frisk and search of person were substantiated. The Board recommended Command Discipline A and the NYPD penalty is pending. § 87(2)(g) [REDACTED]
- Det. Friedman has been a member of the service for 17 years. There are 24 prior allegations against him stemming from incidents that occurred between 2001 and the present, one of which was substantiated:
 - In CCRB case 200904268, an allegation of a vehicle search was substantiated. The Board recommended charges and Det. Friedman received instructions.
- Lt. Capuano has been a member of the service for 19 years. There are 11 prior allegations against him stemming from incidents that occurred between 1997 and the present, one of which has been substantiated:
 - In CCRB case 9704225, an allegation of a search of person was substantiated. The Board recommended command discipline. The NYPD disposition is unknown.
- Det. Velez has been a member of the service for 12 years. There is one prior allegation against him from 2013, which was not substantiated.

Potential Issues

- The investigation was unable to interview Det. Brooks, another officer in the prisoner van, as he has retired from the service (BR 27).

Findings and Recommendations

Explanation of Subject Officer Identification

- § 87(2)(b) [REDACTED] (BR 10 and 11) thought he recognized an officer matching Det. Friedman's description from a prior encounter on September 23, 2014, about which he filed a CCRB complaint (case 201410419). However, that investigation concluded that only three officers were present during this prior encounter on September 23, 2014: Sgt. John Ryan, Det. Mathew Reich, and Det. Philip Vaccarino of Narcotics Borough Staten Island. None of these three officers was listed on the tactical plan for December 19, 2014. None of the officers interviewed for this case attested to recognizing § 87(2)(b) [REDACTED] from any prior encounter.
- Insofar as Det. Stefopoulos (BR 15) acknowledged that the stops of § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] were based upon observations that he alone made, an allegation of a stop has been pleaded against him.

- § 87(2)(b) (BR 10 and 11) alleged that on December 19, 2014, once he exited his vehicle, about 10 or 15 officers simultaneously converged upon his vehicle, only four of whom he could describe. § 87(2)(b) noted that he is bad at gauging heights, and also that he had difficulty recalling descriptions of the officers since this incident happened so long ago.

In his telephone statement (BR 11) provided on September 14, 2015, § 87(2)(b) said that he was first approached by two officers: a white male between 5'8" tall, and 6'0" tall with a slender build in his late 30s with black hair, and a white male between 5'9" and 6'0" tall with heavier build in his 40s or 50s with dark brown hair and possibly – though § 87(2)(b) was unsure – a moustache. Both of these officers then frisked and searched him.

The first officer could match the description of Det. Stefopoulos, a 29-year-old white male, 5'9" tall, 220 pounds, with black hair and brown eyes, and would align with the statement of § 87(2)(b) who said that they were initially approached by only two police officers, and with the statements of Det. Stefopoulos and Det. Friedman, who said they were the first officers to approach § 87(2)(b)'s vehicle, and that the remainder of their tactical team only arrived a few minutes later.

However, the second description offered by § 87(2)(b) does not match that of Det. Friedman, a 48-year-old white male, 5'8" tall, 240 pounds, with salt and pepper hair and brown eyes. None of the officers had moustaches either at the time of their CCRB interviews or in their MOS photographs.

The identification of the second subject officer is further complicated by the telephone statement § 87(2)(b) provided on August 26, 2015 (BR 10), in which he said that he was initially approached by a heavysset officer in his late 50s to early 60s, with salt and pepper hair, about 5'6" to 5'7" tall, who separated him from § 87(2)(b). This description closely matches that of Det. Friedman. § 87(2)(b) thought that this officer might have been a supervisor, though he could not describe what made him think this, and also thought that his last name may have been Stefopoulos, a name that he read from his arrest paperwork, though he had no reason to tie this name to this particular officer. In his telephone statement, § 87(2)(b) made no allegations against this officer, and alleged that he was instead frisked by a white male, somewhere between 5'6" and 6'0" tall, somewhere between the age of 35 and 50, with slim to medium build, dark hair, and possibly a Brooklyn accent. While the physical description given was extremely vague, the only officer interviewed who spoke with a discernable accent was Det. Stefopoulos.

In his in-person statement provided on September 24, 2015 (BR 13), § 87(2)(b) said that he and § 87(2)(b) were first approached by two police officers, and that one, who § 87(2)(b) who in no way could describe except as a male, approached § 87(2)(b). § 87(2)(b) frisked him, and searched him while the second officer, who he described as a white male, with salt and pepper hair, slightly overweight, in his 50s, and about 5'9" tall, approached § 87(2)(b) and searched him (in his telephone statement of September 15, 2015 (BR 12), § 87(2)(b) said that both Det. Friedman and Det. Stefopoulos first handcuffed § 87(2)(b) though § 87(2)(b) did not see them search him, and that both officers then approached § 87(2)(b) frisked him, and searched him). § 87(2)(b) noted in both his telephone and in-person statement that the officer matching Det. Stefopoulos' description was driving the police vehicle, which is of probative value since officers when conducting a car stop typically approach the same side of the civilian vehicle as they occupy in their police vehicle.

Det. Stefopoulos (BR 15) and Det. Friedman (BR 16) both acknowledged that they each frisked and searched at least one of the two civilians, though they could not remember which, or if either of them frisked and searched both civilians. Neither of them remembered which of them drove the chase auto.

Given the unreliability of § 87(2)(b)'s statements regarding officer identification, the investigation finds by a preponderance of the evidence, based upon the statements of § 87(2)(b) Det. Stefopoulos, and Det. Friedman, that Det. Stefopoulos alone first frisked and searched § 87(2)(b) while Det. Friedman searched § 87(2)(b). As such, these allegations have been pleaded against them.

- In his in-person statement (BR 11), § 87(2)(b) alleged that the two officers who originally approached him, frisked him, and searched him also searched his vehicle. Because the investigation concluded that Det. Stefopoulos was the first officer to approach § 87(2)(b) and because Det. Stefopoulos acknowledged searching § 87(2)(b)'s vehicle, this allegation has been pleaded against him.

The identification of the second officer is more troublesome. As discussed above, the investigation concluded by a preponderance of the evidence that this officer was amongst those who arrived to the scene later or simply did not exist. The description provided of a white male between 5'9" and 6'0" tall, with a heavy build, in his 40s or 50s, with dark brown hair, could match that of Lt. Capuano, a white male, 43 years old at the time of this incident, 5'10" tall, 240 pounds, with brown hair, Det. Truscelli, a white male, 39 years old at the time of this incident, 5'8" tall, 200 pounds, with receding black hair, or Det. Luppino, a white male, 44 years old at the time of this incident, 6'2" tall, 260 pounds, with full brown hair. Although § 87(2)(b) made no allegations against the officers in the prisoner van, which would eliminate Det. Luppino as a possible subject, the descriptions he provided are demonstrably unreliable. Additionally, Lt. Capuano, Det. Truscelli, and Det. Luppino denied recollection of this incident. Identification is further complicated by the description of this officer § 87(2)(b) gave in his telephone statement, in which he said the officer was 5'6" to 5'10" tall with medium build.

In his telephone statement (BR 12), § 87(2)(b) said he saw two officers searching § 87(2)(b)'s vehicle: a white male, in his mid-30s or -40s, with light-colored eyes, about 180 pounds, 5'10" tall, with muscular build and possibly a slight belly, and a white or fair-skinned Hispanic male, 5'8" to 5'9" tall, around 170 pounds, around 30 years old, with brown hair and eyes. The first description could match that of Det. Truscelli, a white male, 5'8" tall, 200 pounds, with receding black hair and green eyes, while the second description matches that of Det. Velez, a Hispanic male, 5'8" tall, 205 pounds, with average build and short, full black hair, and who was 41 years old at the time of this incident. In his in-person statement (BR 13), § 87(2)(b) said he could not remember which officers searched § 87(2)(b)'s vehicle except for the aforementioned officer fitting the description of Det. Velez.

Det. Stefopoulos (BR 15) acknowledged that he searched § 87(2)(b)'s vehicle, but did not remember if any other officer helped him do so. All of the other officers interviewed either had no recollection of this incident or denied searching § 87(2)(b)'s vehicle.

Although the investigation cannot conclusively identify which other officer, if any, searched § 87(2)(b)'s vehicle, a preponderance of the evidence indicates that such an officer would have done so only based upon information provided by Det. Stefopoulos. Furthermore, it is unclear if Lt. Capuano was present at the scene at the initiation of the vehicle search. Although Lt. Capuano did not remember whether a search

of the vehicle was performed, if Lt. Capuano authorized a vehicle search, he would have done so based upon information provided by Det. Stefopoulos.

As such, an allegation of a vehicle search has been pleaded solely against Det. Stefopoulos.

- § 87(2)(b) (BR 11) also alleged that Det. Stefopoulos threatened to call ACS on him. Although Det. Stefopoulos denied committing this allegation, based upon § 87(2)(b)'s given physical description, an allegation of a threat to call ACS have been pleaded against him.
- In his in-person statement (BR 11), § 87(2)(b) described the officer who referred to him as a “degenerate” as the aforementioned white male, in his late 40s to early 50s, somewhere between 5’9” and 6’0” tall, with heavy build, a large stomach, a thick moustache, and salt and pepper hair, whose name he believed to be Det. Stefopoulos, though he had no reason to connect this name to this particular officer aside from seeing the name on his paperwork. However, the description provided by § 87(2)(b) is inconsistent with Det. Friedman’s pedigree information. In addition, § 87(2)(b) noted that it seemed as though this officer was “in charge.” Lt. Capuano, a white male, 5’11” tall, 245 pounds, with brown hair and brown eyes, does not match this description. The impression § 87(2)(b) had that this officer was ‘in charge’ may be simply due to Det. Friedman’s age and seniority relative to the other officers on scene. As such, this allegation has been pleaded against Det. Friedman.
- § 87(2)(b) (BR 11) described the officer who threatened to seize his vehicle as a white male with a “thick Italian accent,” 6’0” tall, with black hair, clean-shaven, in his late 40s to mid-50s, with muscular build, which matches the description of Det. Stefopoulos. As such, this allegation has been pleaded against him.
- § 87(2)(b) alleged that he overheard an officer, described as a white male officer in his mid-30s to -40s, 180 pounds, about 5’10” tall, with muscular build, and light-colored eyes, telling his fellow officers that he wanted to “kick § 87(2)(b) in the balls for having his kid with him.” The only officer assigned to this team with light-colored eyes is Det. Truscelli, 39 years old at the time of this incident, 5’7” tall, 200 pounds, with black hair and green eyes, which roughly matches the given description. As such, this allegation has been pleaded against him.
- § 87(2)(b) (BR 13) alleged that one of the officers who later arrived to the scene, a white or Hispanic male with brown eyes, black hair, in his mid-30s, about 5’8” tall, and slim, or about 170 pounds, referred to him as a “crackhead.” As this description most closely matches that of Det. Velez, it has been pleaded against him.

Allegations not pleaded

- **Vehicle stop:** Because § 87(2)(b) had pulled over of his own accord, and because both he and § 87(2)(b) were either in the process of exiting or had already exited the vehicle at the time Det. Stefopoulos and Det. Friedman engaged them, this allegation has been evaluated as a foot stop and consequently no allegation of a vehicle stop has been pleaded.
- **Question:** Both § 87(2)(b) and § 87(2)(b) alleged that officers both asked them if they had any contraband on their persons. Because the investigation established that at the time these questions were asked, § 87(2)(b) and § 87(2)(b) were at minimum stopped on suspicion of engaging in a narcotics transaction, if not under arrest, and because the questions asked were directly related to the crime of which they were suspected, and because a greater level of suspicion is required to stop or

- **Frisk and Search:** § 87(2)(b) alleged that he was frisked and searched numerous times by multiple officers, most of whom he could not identify. Because Det. Stefopoulos and Det. Friedman initiated the stop, frisk, search, and arrest of § 87(2)(b) and § 87(2)(b) and because any officers who subsequently frisked and searched them would have done so based upon information provided by, and under the auspices of, Det. Stefopoulos and Det. Friedman, no further allegations of frisks and searches have been pleaded.
- **Frisk:** § 87(2)(b) alleged that he saw Det. Friedman frisk but not search § 87(2)(b) § 87(2)(b) alleged that Det. Friedman searched him without first conducting a frisk. As such, no allegation of a frisk has been pleaded.
- **Vehicle search:** As was discussed in greater detail above, the investigation was unable to identify the second officer who may have participated in searching § 87(2)(b) § 87(2)(b)'s vehicle, but as the investigation concluded that this second unidentified officer would only have searched § 87(2)(b) § 87(2)(b)'s vehicle based upon information given by Det. Stefopoulos, no separate vehicle search allegation has been pleaded.
- **Discourtesy:** § 87(2)(b) § 87(2)(b) alleged that an officer – he was unsure which – called § 87(2)(b) § 87(2)(b) an “asshole.” Because § 87(2)(b) § 87(2)(b) did not himself allege this, no additional allegation of discourtesy has been pleaded.
- **Property Damage:** § 87(2)(b) § 87(2)(b) said that after this incident, he saw that the front tire on the passenger side of his vehicle was “nipped pretty badly.” § 87(2)(b) § 87(2)(b) did not see how this damage was incurred, but believed it may have happened when officers tried to park his vehicle closer to the edge of the street and drove onto the grass there, as there is no curb on Grimsby Street. Because § 87(2)(b) § 87(2)(b) did not actually see how this property damage was caused, and because there is no evidence to suggest any officer damaged his property maliciously, this allegation has not been pleaded.

Because § 87(2)(b) had to turn around to get to the bus stop but did not want to make a u-turn, he circled around the block until he reached Grimsby Avenue just before its intersection with Midland Avenue, when § 87(2)(b) said he wanted to smoke a cigarette. § 87(2)(b) told

§ 87(2)(b) that he could not smoke in the car because he did not want to expose his daughter to cigarette smoke. § 87(2)(b) pulled over to the side of Grimsby Avenue. Both he and § 87(2)(b) exited the vehicle and moved to its rear so that § 87(2)(b) could smoke his cigarette. Before § 87(2)(b) could light his cigarette, § 87(2)(b) decided that it was not a safe place to pull over, as he was “in a blind spot,” and that side of the intersection was “busy,” and the other side of the intersection with Grimsby Avenue and Midland Avenue would be “quieter” and less dangerous. § 87(2)(b) estimated that he and § 87(2)(b) were out of their vehicle for less than 30 seconds before § 87(2)(b) then got back in § 87(2)(b)'s vehicle and drove to the opposite side of the intersection of Grimsby Avenue and Midland Avenue.

Once on the opposite side, § 87(2)(b) and § 87(2)(b) exited § 87(2)(b)'s vehicle, moving to stand by the trunk. § 87(2)(b) lit his cigarette. They were out of the vehicle for less than 30 seconds when they were approached or “swarmed” by officers. § 87(2)(b) denied exchanging any items whatsoever with § 87(2)(b) or even making physical contact with him at any point.

§ 87(2)(b) alleged that both Det. Stefopoulos and another unidentified officer then frisked him and searched all of his pockets, retrieving two prescription bottles of oxycodone and oxycontin, which were labeled with his name and his pharmacy, though § 87(2)(b) was not carrying his prescription with him. In his telephone statement, § 87(2)(b) said that in court officers accused him of carrying prescription bottles with the labels torn or scratched off, but he denied that this was case. Det. Stefopoulos and this other officer handcuffed § 87(2)(b). § 87(2)(b) also saw an officer, identified by the investigation as Det. Friedman, frisking and searching § 87(2)(b). When the frisk and search yielded negative results, Det. Friedman said, “He has something, he has something.” § 87(2)(b) said, “I don’t have anything. I’ll strip right here.”

After § 87(2)(b) was handcuffed, Det. Stefopoulos entered § 87(2)(b)'s vehicle from the front driver side and another unidentified officer entered through the front passenger side. § 87(2)(b) thought the officers may have been looking for a trap in his vehicle, as he saw them fiddling with the air conditioning, the windshield wipers, and the lights, and repeatedly reversing his vehicle and then driving forward. They then exited and entered the vehicle again through the backseat, appearing to check in between the seats with their hands. § 87(2)(b) did not see the officers search the trunk of his vehicle, but Det. Stefopoulos later approached him and said, “Guess what I found in your trunk?” § 87(2)(b) believed that Det. Stefopoulos recovered a large package of valium prescribed to § 87(2)(b) that he carries in the trunk of his vehicle.

§ 87(2)(b) (BR 12 and 13) corroborated that § 87(2)(b) picked him up in the vicinity of All Night Long Deli to drop him off at the bus stop, and that instead of pulling a u-turn § 87(2)(b) drove around the block, though he said § 87(2)(b) ultimately stopped on Grimsby Avenue just before the intersection with Midland Avenue, and said that he and § 87(2)(b) only exited § 87(2)(b)'s vehicle one time. § 87(2)(b) exited the vehicle on the rear passenger side, while § 87(2)(b) exited from the driver seat.

As § 87(2)(b) and § 87(2)(b) each shut their respective vehicle doors, two officers, identified as Det. Friedman and Det. Stefopoulos, approached them from an unmarked vehicle. The lights and sirens of the police vehicle were not activated. § 87(2)(b) held nothing in his hands at this time, as he had not yet taken out his cigarette. § 87(2)(b) denied that he ever made any kind of exchange with § 87(2)(b). Det. Stefopoulos approached § 87(2)(b) and Det. Friedman approached § 87(2)(b). Det. Friedman upon approach asked § 87(2)(b) “What are you doing?” § 87(2)(b) could not recall what response, if any, he gave. Det. Friedman said, “Tell me the truth. Where are you hiding it?” Det. Friedman then searched all of § 87(2)(b)'s pockets without first frisking them. § 87(2)(b) looked to the driver side of the vehicle and saw that Det. Stefopoulos was frisking and searching § 87(2)(b). Later during this incident, multiple

other officers frisked and thoroughly searched § 87(2)(b). An officer, whose description matched that of Det. Velez, told § 87(2)(b) that officers were considering strip searching him. § 87(2)(b) told the officers, "I'll get butt naked if you like. You can strip-search me here." § 87(2)(b) was never actually strip searched. § 87(2)(b) alleged that the officers planted the five pills that were vouchered as his arrest evidence.

§ 87(2)(b) (BR 14) provided a statement, but did not remember anything that occurred except officers driving her to her aunt's house.

Det. Stefopoulos (BR 15) said that he was parked somewhere on Midland Avenue – he could not recall where he was exactly – when he observed § 87(2)(b) standing in front All Night Long Deli. Det. Stefopoulos noted that the area is drug-prone, particularly to sales of heroin and pills, which he was informed of by his supervisor and through his three years of experience with Staten Island Narcotics. Det. Stefopoulos observed § 87(2)(b) pacing back and forth talking on his cell phone, which indicated to Det. Stefopoulos that he was arranging to meet someone, possibly to exchange narcotics. Aside from the high-crime nature of the area and the manner in which § 87(2)(b) paced and spoke on his cell phone, Det. Stefopoulos had no other indication that a drug transaction was about to take place.

Det. Stefopoulos observed § 87(2)(b) for about two or three minutes before § 87(2)(b) arrived and picked § 87(2)(b) up in his silver sedan. § 87(2)(b) appeared to briefly speak to § 87(2)(b) before entering the vehicle. Det. Stefopoulos wished to observe them further, and so followed behind them as § 87(2)(b) drove around the block. § 87(2)(b) then pulled over to the right side of Grimsby Street. Det. Stefopoulos was behind § 87(2)(b) by about 10 yards and was still in motion, coming closer to their vehicle, when he saw the interior light of § 87(2)(b)'s vehicle come on. He saw § 87(2)(b) hand from the back seat a quantity of currency – he could tell from that distance that it was paper currency – and in exchange receive an object from § 87(2)(b) though from that distance he could not tell what the object exchanged was. Based upon this observation, Det. Stefopoulos considered § 87(2)(b) and § 87(2)(b) to both be under arrest.

Without activating his lights and sirens, Det. Stefopoulos pulled in behind § 87(2)(b) and exited his vehicle with Det. Friedman. Simultaneously, § 87(2)(b) and § 87(2)(b) both exited their vehicle. § 87(2)(b) appeared to notice Det. Stefopoulos' presence, as they made eye contact. Det. Stefopoulos had yet to engage § 87(2)(b) or § 87(2)(b) at this time. § 87(2)(b) then turned and tossed an object – again, Det. Stefopoulos could not see what the object was at that time – into the backseat. Det. Stefopoulos did not remember whether he first approached § 87(2)(b) or § 87(2)(b). Det. Stefopoulos at some juncture from outside the vehicle saw a number of loose pills in the backseat, which based upon his training and experience appeared to be oxycodone. Det. Stefopoulos believed that this was the object that § 87(2)(b) had thrown into the vehicle, as there were no other items in the backseat. Det. Stefopoulos could not remember if he had already engaged § 87(2)(b) or § 87(2)(b) before he made this observation.

Det. Stefopoulos acknowledged that he likely frisked and searched at least one of the two defendants, or possibly both of them, but he did not remember which. Det. Stefopoulos denied frisking or searching them at any point before he considered them to be under arrest.

Det. Stefopoulos said that given that the oxycodone was observed in plain view inside the vehicle, he conducted a vehicle search at the scene of arrest to ensure there were no additional narcotics in the vehicle. Det. Stefopoulos did not remember if any other officers assisted him in searching the vehicle. Det. Stefopoulos searched the front seat, including the glove compartment, and the backseat, but did not remember whether or not he searched the trunk. Additional contraband, including 60 milligram and 30 milligram oxycodone pills and diazepam, were found in prescription bottles, some of the labels of which were torn or damaged. Det. Stefopoulos did

not remember where in the vehicle the contraband was found. Det. Stefopoulos recalled at some point – he was unsure when - asking § 87(2)(b) questions, such as, “Do you know where else I can get more pills? Do you know if anyone else is selling drugs in the area?” § 87(2)(b)

§ 87(2)(b), § 87(2)(e), § 87(2)(f)

Det. Friedman (BR 16) corroborated that he and Det. Stefopoulos were observing § 87(2)(b) and that they followed § 87(2)(b) and § 87(2)(b) once § 87(2)(b) picked § 87(2)(b) up. Det. Friedman did not recall independently observing any transaction in the vehicle, and believed he only became aware of this when Det. Stefopoulos said, “I think he just hit him off.” Det. Stefopoulos did not provide further information about what he observed. Det. Friedman and Det. Stefopoulos then both exited their vehicle and approached § 87(2)(b)'s vehicle, intending to make further, closer observations to confirm their suspicions as to the possible drug transaction. Det. Friedman did not remember which side of the vehicle he approached. Det. Friedman indicated that at this point, he did not consider either § 87(2)(b) or § 87(2)(b) to be stopped or under arrest, until Det. Stefopoulos informed him that § 87(2)(b) had somehow attempted to dispose of pills he carried. Det. Friedman did not himself see § 87(2)(b) throw the pills away, but said Det. Stefopoulos later showed him the pills, which were still where § 87(2)(b) had allegedly thrown them, though he could not remember where this was. Both § 87(2)(b) and § 87(2)(b) were then arrested. Det. Friedman thought he frisked and searched at least one of the two defendants after they were arrested, but was unsure which. Det. Friedman denied searching § 87(2)(b)'s vehicle, and did not recall seeing any officers do so.

None of the other officers interviewed, including Lt. Capuano (BR 23), Det. Truscelli (BR 24), Det. Luppino (BR 25), or Det. Velez (BR 26), were present for the initial observations made by Det. Stefopoulos.

Both the arrest reports (BR 03 and 04) and property vouchers (BR 17) state that § 87(2)(b) was found to be in possession of 93 A/215 oxycodone pills, two K9 oxycodone pills, eight oxycontin pills, and 89 diazepam pills, while § 87(2)(b) was in possession of five A/215 oxycodone pills.

Courts have found that probable exists upon allegations of the exchange of an unidentified object for U.S. currency, though there must be other corroborative factors in addition to the single transaction itself. People v. Jones, 90 N.Y.2d 835 (1997) (BR 18)

When officers have validly arrested an occupant of a car, and have reason to believe that the car may contain evidence related to the crime for which the occupant was arrested, the officers are permitted to search the car. Officers may conduct a search if it is immediately apparent to the officer that the item is evidence of criminality or contraband. People v. Carbone, 184 A.D.2d 648 (1992) (BR 19) Officers are able to conduct a vehicle search if there is probable cause to believe that a controlled substance was located inside the vehicle, authorizing the officers to conduct a warrantless search of the car and any containers within to retrieve evidence of the crime. People v. Smalls, 975 N.Y.S.2d 396 (2013) (BR 20)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(2)(e), § 87(2)(f)

Allegation F – Abuse of Authority: Det. Nikolaos Stefopoulos threatened to notify Administration for Children's Services.

§ 87(2)(b) (BR 10 and 11) alleged that after he was frisked and searched, but before he was placed in handcuffs, Det. Stefopoulos handed him his cell phone and told him that he needed to call a relative to care for § 87(2)(b) otherwise she would be placed in foster care.

Det. Stefopoulos (BR 15) did not recall whether he told § 87(2)(b) that his daughter would be placed in foster care, but said that in arrest situations, if there is no adult present to care for a child, or if no adult who can care for the child can be located, officers would be required to notify Administration for Children's Services. Det. Stefopoulos assumed that an officer informed § 87(2)(b) of this policy, but did not remember if it was he or another officer who did so.

While the other officers interviewed (BR 16, 23-26) denied informing § 87(2)(b) of this, or hearing any officer do so, all of them confirmed that it is department policy to contact Administration for Children's Services in arrest situations where there is either no suitable adult available to care for the child or when officers believe the child's wellbeing may be at risk.

Officers are required to notify the Administration for Children's Services to obtain care for a child under the age of 18 when their parent or guardian has been arrested even if the child is left with a relative or friend. Patrol Guide Procedure 215-01 (BR 21). According to Patrol Guide Procedure 215-03 (BR 22), an officer may call the Administration for Children's Services if he believes that a child's safety may be compromised.

§ 87(2)(b), § 87(2)(g)

Allegation G – Abuse of Authority: Det. Nikolaos Stefopoulos threatened to seize § 87(2)(b)'s property.

§ 87(2)(b) (BR 10 and 11) said that an officer matching Det. Stefopoulos' description asked him if § 87(2)(b) had any contraband on his person, and that when § 87(2)(b) said he did not know what the officer was talking about, the officer said, "Are you willing to bet your car on it? Because if we find anything, we're impounding your car." As per § 87(2)(b) his vehicle was left at the scene of his arrest.

§ 87(2)(b) (BR 12 and 13) did not corroborate this allegation.

Det. Stefopoulos (BR 15) had no recollection as to whether or not § 87(2)(b)'s vehicle was brought back to the 122nd Precinct stationhouse or left at the scene of his arrest. Det. Stefopoulos denied threatening to seize § 87(2)(b)'s vehicle in the manner alleged by § 87(2)(b). All other officers (BR 16, 23-26) either recalled no portion of this incident or denied hearing any officer make such a threat.

§ 87(2)(b), § 87(2)(g)

██████████

Allegation J

© 2004 Blackwell Publishing Ltd *Journal of Internal Medicine* 255: 399–406

§ 87(2)(b)

In his in-p

§ 87(2)(b)

Det. Friedman

§ 87(2)(b), § 87(2)(g)

[illegible]

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date